

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**SYLVIA DIFFENDERFER; ROBERT
McCARROLL**, Plaintiffs on behalf of
themselves and as representatives of the class
herein defined

Plaintiffs

V.S.

RAMÓN E. GÓMEZ-COLÓN, individually
and in his official capacity as President of the
State Election Commission of the
Commonwealth of Puerto Rico; **GERARDO
A. CRUZ-MALDONADO**, individually and
in his official capacity as Electoral
Commissioner of the Popular Democratic
Party; **JUAN DALMAU-RODRÍGUEZ**;
individually and in his official capacity as
Electoral Commissioner of the Puerto Rican
Independence Party; **NELSON ROSARIO-
RODRÍGUEZ**, individually and in his official
capacity as Electoral Commissioner of the
Puerto Ricans for Puerto Rico Party; **EDWIN
MUNDO-RÍOS**, individually and in his
official capacity as Electoral Commissioner of
the New Progressive Party; **WALTER
VÉLEZ-RODRÍGUEZ**, individually and in
his official capacity as Secretary of the State
Election Commission of the Commonwealth of
Puerto Rico; **THE JOHN DOE
DEFENDANTS**, a fictions name for
defendants whose identity is unknown at this
time

Defendants

CIVIL CASE NO.: 08-1918 (JAF)

VOTING RIGHTS

NOTICE OF APPEAL

TO THE HONORABLE COURT:

COME NOW co-defendants Ramón E. Gómez Colón and Walter Vélez-Rodríguez,
through the undersigned counsel and very respectfully **SET FORTH** and **PRAY:**

Notice is hereby given that the appearing party hereby appeals before the United States Court of Appeals for the First Circuit, from the injunction entered by this Honorable Court, in open court, on August 27, 2008 and of the Court's Opinion & Order dated September 2, 2008 stating the reasons for said injunction. See Dockets Numbers 33 and 49.

The aforementioned order is immediately appealable as per 28 U.S.C. § 1292(a)(1), which allows immediate review of orders "granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions". While the September 2 Opinion & Order purported to resolve the complete case on the merits, but was not accompanied by a separate entry of judgment as per Rule 58 of the Federal Rules of Civil Procedure. Once a final judgment is formally entered, an amended notice of appeal as per 28 U.S.C. § 1291 will follow.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that the instant document has been filed with the Court's CM/ECF System, which will simultaneously serve notice on all counsels of record, to their registered e-mail addresses. Any non-registered attorneys and/or parties will be served via regular mail.

In San Juan, Puerto Rico, this 5th day of September, 2008.

RESPECTFULLY SUBMITTED,

WALKER MERINO LAW OFFICE

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